

August 5, 2016

By ECF

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Crede CG III, Ltd. v. 22nd Century Group, Inc.*, No. 16 CV
3103 (KPF); Request for Oral Argument

Dear Judge Failla:

Pursuant to Section 4(E) of Your Honor's Individual Rules, Defendant hereby requests telephonic oral argument on the motion to sever and transfer Counts I, VI, and VII to the Western District of New York. *See* ECF No. 37. At the hearing in this case on June 14, 2016, the Court expressed an intention to try to conduct oral argument on this motion by telephone. ECF. No. 34, Tr. at 176.

Respectfully,



Jonathan H. Friedman